IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.3935 OF 2005

Ulhas Yeshwant Thankur. ...Petitioner.
Vs.
The State of Maharashtra & Ors. ...Respondents.
....
Mr.V. N. Kamble for the Petitioner.
Mr. P.I. Khemani, AGP for Respondent No.1 and 2.
.....

CORAM : A.P. SHAH AND
DR.D.Y.CHANDRACHUD, JJ.

June 21, 2005.

P.C.:

In defiance of the judgment and order dated 3rd March 2004 passed by this Court in Writ Petition 1762 of 1999, the heavy motor vehicle belonging to the Petitioner (Registration No.MH-19-J-1040), registered with the Regional Transport Office, Thane, has been plied within the limits of the Municipal Corporation of Greater Mumbai. We are of the view that violations of the prohibition imposed in the order of the Division Bench on the plying of heavy vehicles in excess of 8 years' of age must be dealt with firmly. The Petitioner has apologised for the lapse, but we wish to record that we are not satisfied with the palpably unbelievable explanation which was sought to be offered before the Court in the Writ Petition. The Petitioner or his authorised representative shall give

an undertaking to the R. T. O., not to ply the vehicle in Mumbai in future. The Petitioner shall pay an amount of Rs.15,000/- to the Chief Minister's Relief Fund. Counsel appearing on behalf of the Petitioner has, on the instructions of the Petitioner, agreed to pay the aforesaid amount and it is stated that an amount of Rs.10,000/- would be paid forthwith while an amount of Rs.5,000/- shall be paid within a period of three months. The vehicle shall be released on furnishing of the undertaking and the payment of the initial amount of Rs.10,000/-. The authorities shall take steps in accordance with law in the event that there is any breach of the undertaking to deposit any part of the amount as directed. The petition shall, in the circumstances, stand disposed of in these terms. There shall be no order as to costs.

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